

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Jeromi Bazuaye :
Petitioner, : **Civil Action 06-1028 (DRD)**
v. :

: **OPINION**

Michael Chertoff, Secretary :
Department of Homeland Security :
Alberto Gonzales, Attorney General :
of the United States, John P. Torres, :
Acting Director, Office of Detention and :
Removal Bureau of Immigration and :
Customs Enforcement, Christopher :
Shanahan, Acting Field Office :
Director, Detention and Removal Bureau :
of Immigration and Customs Enforcement, :
William Fraser, Warden, Monmouth :
County Jail, :
Respondents. :

Appearances by:

Jeromi Bazuaye
Monmouth County Correctional Institution
1 Waterworks Road
Freehold, NJ 07728

Pro Se Petitioner

Christopher J. Christie, Esq.

United States Attorney

By: Neil R. Gallagher, Esq.
Assistant U.S. Attorney

United States Attorney's Office
970 Broad Street, Suite 700
Newark, New Jersey 07102
Attorney for the United States Government

Debevoise, United States Senior District Judge

Petitioner Jeromi Bazuaye ("Bazuaye") forwarded to the Court a copy of the Immigration Review Board's decision granting his motion for reconsideration of the Board's decision to dismiss his appeal. Bazuaye's accompanying letter, dated December 15, 2006, was received December 21, 2006, one day after the December 20, 2006 electronic posting of the Court's Opinion and Order denying his motion to stay and to release him pending the decision of the Immigration Review Board.

A pro se pleading is held to less stringent standards than more formal pleadings drafted by lawyers. Estelle v. Gamble, 429 U.S. 97, 106 (1976); Haines v. Kerner, 404 U.S. 519, 520 (1972). A pro se habeas petition and any supporting submissions must be construed liberally and with a measure of tolerance. See Royce v. Hahn, 151 F.3d 116, 118 (3d Cir.1998); Lewis v. Attorney General, 878 F.2d 714, 721-22 (3d Cir.1989); United States v. Brierley, 414 F.2d 552, 555 (3d Cir.1969), *cert. denied*, 399 U.S. 912 (1970). The Court, therefore, will treat Bazuaye's letter as a motion for reconsideration of the Court's Order posted December 20, 2006.

This Court, in its Opinion posted December 20, 2006 and in accordance with the action taken by the Third Circuit Court of Appeals, has explained that Bazuaye's case is more appropriately before the Southern District of New York and transferred the case there. The order of the Immigration Review Board granting Bazuaye's motion for

reconsideration only serves to reinforce the judgment of the Court that its action was appropriate.

Mr. Bazuaye's motion for reconsideration will be denied. An appropriate order follows.

/s/ Dickinson R. Debevoise

Dickinson R. Debevoise, U.S.S.D.J.

Dated: January 19, 2007